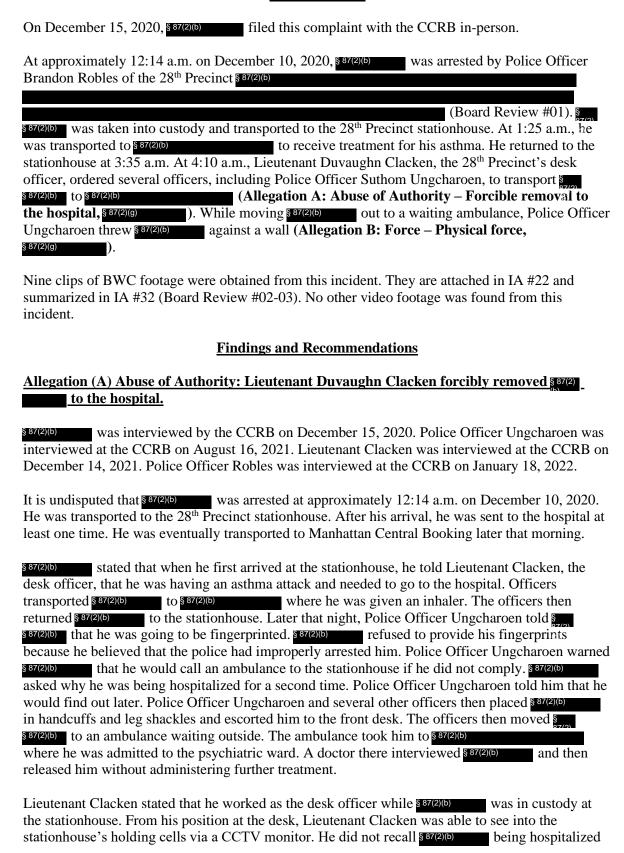
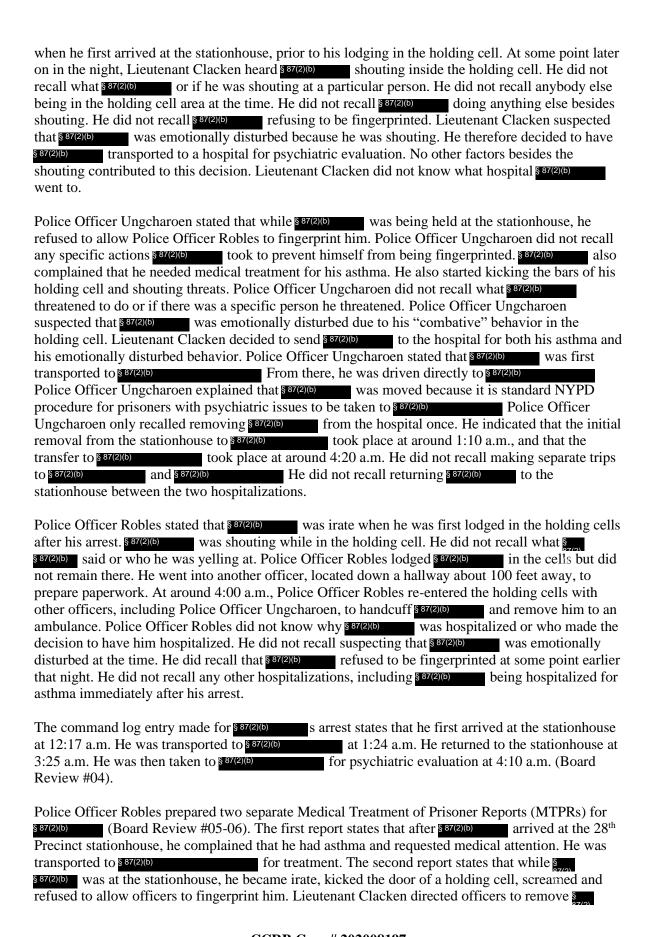
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	V	Force		Discourt.		U.S.
Owen Godshall		Squad #15	202008197	Ø	Abuse		O.L.		Injury
Incident Date(s)		Location of Incident:		P	recinct:	18	Mo. SOL	I	EO SOL
Thursday, 12/10/2020 12:14 AM		2090 7th Avenue; 28th Precinct stationhouse			28	6/	/10/2022	6.	/10/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CCI	RB	
Tue, 12/15/2020 9:51 AM		CCRB In-person Tue, 12/15/2020		9:51 AM					
Complainant/Victim	Type	Type Home Address							
Subject Officer(s)	Shield	TaxID	Command						
1. POM Suthom Ungcharoen	26224	946349	028 PCT						
2. LT Duvaughn Clacken	00000	941564	028 PCT						
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
1. POM Brandon Robles	10514	962058	028 PCT						
2. SGT Alex Chen	05043	954635	028 PCT						
3. POM Alexander Lago	21997	952958	POL ACD						
Officer(s)	Allegatio	on			Inve	estiga	ator Recon	nme	ndation
A.LT Duvaughn Clacken	Abuse: Lieutenant Duvaughn Clacken forcibly removed to the hospital.								
B.POM Suthom Ungcharoen	Force: Police Officer Suthom Ungcharoen used physical force against § 87(2)(b)								

Case Summary





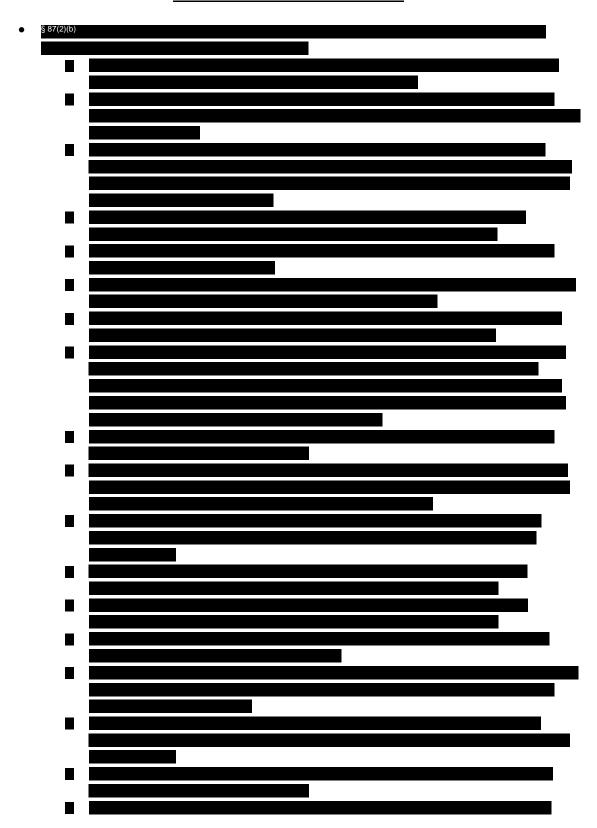
§ 87(2)(b) to § 87(2)(b)
After reviewing the MTPRs, both Lieutenant Clacken and Police Officer Robles stated that they had no recollection of \$87(2)(b) so initial hospitalization. Both officers also recalled that \$87(2)(b) kicked the door of his holding cell. Lieutenant Clacken also recalled that \$87(2)(b) refused to be fingerprinted. He denied, however, that \$87(2)(b) was hospitalized because of this refusal.
BWC footage from the incident is attached in IA #22 (Board Review). The recordings cover \$27(2) \$87(2)(6) \$\text{s arrest and his removal to }87(2)(6) \$\text{at at 4:10 a.m.}\$ They do not depict his actions or behavior between his arrest and his removal to \$87(2)(6) \$The recordings do show that he was the only prisoner in his holding cell when he was sent to \$87(2)(6)
Based on the command log and the MTPRs, the investigation determined that safety was hospitalized twice while in police custody. The first hospitalization, which took place shortly after his arrest, was for asthma treatment. The second hospitalization was for alleged emotional disturbance. The command log confirms that safety was returned to the stationhouse between hospitalizations, rather than transferred between hospitals as Police Officer Ungcharoen described.
While it is undisputed that \$87(2)(6) refused to be fingerprinted prior to his removal to \$87(2)(6) there is no balance of testimony indicating whether he was shouting or kicking the holding cell door.
NYPD Patrol Guide procedure 221-13 defines an emotionally disturbed person as an individual who appears to be mentally ill or temporarily deranged and is conducting themselves in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. Once an emotionally disturbed person has been taken into police custody, officers are directed to call an ambulance to have them transported to a hospital for psychiatric evaluation (Board Review #07).
NYPD Patrol Guide procedure 208-11 states that when a prisoner refuses to be fingerprinted, a desk officer or supervisor from the command making the arrest should document the refusal on the prisoner's movement slip and in the command log and prepare a "refused prints report." It also directs that the prisoner be transported to the borough's Central Booking facility (Board Review #08).
NYPD Patrol Guide procedure 210-04 directs officers to request an ambulance and remove emotionally disturbed prisoners to the hospital when they attempt suicide, act in an extremely violent manner or exhibit irrational behavior (Board Review #09).
§ 87(2)(g)
§ 87(2)(g)

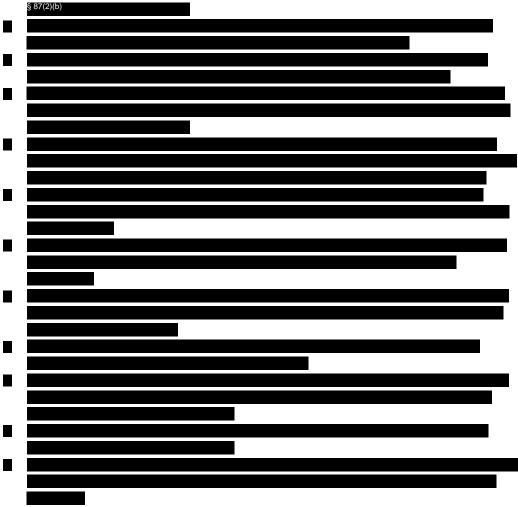
§ 87(2)(g)
§ 87(2)(g)
Allegation (B) Force: Police Officer Suthom Ungcharoen used physical force against [8,87(2)]
stated that when the officers informed him at the front desk that he was being taken out to an ambulance, he dropped his weight to the floor to prevent them from moving him. Police Officer Ungcharoen lifted sarcy back up by pulling on his handcuffs. sarcy initially stated that Police Officer Ungcharoen then "beat" him. When asked to clarify what he meant by this, sarcy stated that Police Officer Ungcharoen dragged his body across the floor and struck the left side of his body against a wall. sarcy initially stated that this impact caused him to start bleeding over his "whole body." He later stated that he sustained lacerations to his feet and left shin and swelling to the left side of his head.
Police Officer Ungcharoen stated that after Lieutenant Clacken decided to have strictly hospitalized, he entered strictly should be holding cell and placed him in handcuffs and leg shackles. He tried to walk strictly to the ambulance outside. strictly refused to move, so Police Officer Ungcharoen pulled him along by his arm. He denied using any other force while moving He denied that he or any other officers pushed strictly to the ground or against any surfaces, including walls. He did not recall strictly displaying or complaining of injuries at any time.
Lieutenant Clacken stated that after he decided to have \$87(2)(6) sent to the hospital, he instructed Police Officer Ungcharoen and several other officers to escort \$87(2)(6) to the front desk. The officers entered \$87(2)(6) sell and placed him in handcuffs. \$87(2)(6) initially refused to move. Police Officer Ungcharoen responded by pulling on his arm and guiding him to the front desk. When the ambulance arrived, Police Officer Ungcharoen escorted \$87(2)(6) out of the building. As they moved, \$87(2)(6) used a racial slur against Police Officer Ungcharoen, who is Asian. Lieutenant Clacken did not recall \$87(2)(6) sexact words but believed that he called Police Officer Ungcharoen a "Chinaman." He did not recall if Police Officer Ungcharoen reacted to the remark, but he denied that Police Officer Ungcharoen used any additional physical force in response. Lieutenant Clacken denied seeing Police Officer Ungcharoen or any other officer use further physical force against \$87(2)(6) beyond pulling his arm. He was not aware of \$87(2)(6) suffering injuries while being removed from the stationhouse.
Police Officer Robles stated that he assisted Police Officer Ungcharoen in escorting out of his cell and moving him to the front desk. He did not recall them having any difficulty doing so. He did not recall what happened to \$87(2)(b) after he was presented at the desk. He did not recall any officers using physical force against \$87(2)(b) including pushing him against a wall or floor or striking him.

Police Officer Ungcharoen's BWC recording is attached in IA #22 (Board Review #02). It depicts

him and several other officers placing \$87(2)(0) in handcuffs and escorting him from the holding cell to the stationhouse's front desk. At 4:45 into the recording, Police Officer Ungcharoen takes by his arm and walks him towards the stationhouse's front entrance. At 5:00 into the recording, \$87(2)(0) states, "Stop fighting, China." He then falls to the ground. It is unclear from the video whether he falls, drops himself, or is pushed down. \$87(2)(0) shouts, "Ah, my leg, my leg!" Police Officer Ungcharoen pulls \$87(2)(0) up by his arms. They move into a vestibule at the building's entrance. Police Officer Ungcharoen swings \$87(2)(0) shouts body forward twice. At 5:07 into the recording, on the second swing, the left side of \$87(2)(0) shouts body hits against a doorframe. \$87(2)(0) shouts, "My head, bro, my head! You just hit my head, bro!" Police Officer Ungcharoen then pulls \$87(2)(0) shouts, "My head, bro, my head! You just hit my head, bro!" Police Officer Ungcharoen then pulls \$87(2)(0) shouts, "My head, bro, my head! You just hit my head, bro!" Police Officer Ungcharoen then pulls \$87(2)(0) shouts, "My head, bro, my head! You just hit my head, bro!" Police Officer Ungcharoen then pulls \$87(2)(0) shouts, "My head, bro, my head! You just hit my head, bro!" Police Officer Ungcharoen then pulls \$87(2)(0) shouts, "My head, bro, my head! You just hit my head, bro!" Police Officer Ungcharoen then pulls \$87(2)(0) shouts, "My head, bro, my head! You just hit my head, bro!" Police Officer Ungcharoen then pulls \$87(2)(0) shouts, "South Head, Bro, my head! You just hit my head, bro!" Police Officer Ungcharoen then pulls \$87(2)(0) shouts, "South Head, Bro, my head! You just hit my head, bro!" Police Officer Ungcharoen then pulls \$87(2)(0) shouts, "South Head, Bro, my head! You just hit my head, bro!" Police Officer Ungcharoen then pulls \$87(2)(0) shouts hit my head, bro!" Police Officer Ungcharoen then pulls \$87(2)(0) shouts hit my head, bro!" Police Officer Ungcharoen then pulls \$87(2)(0) shouts hit my head, bro!" Poli
Police Officer Alexander Lago's BWC recording is also attached in IA #22 (Board Review #02). It shows him assisting Police Officer Ungcharoen in escorting \$\frac{87(2)(0)}{87(2)(0)}\$ to the front desk and then walking him out of the building. At 4:50 into the recording, Police Officer Ungcharoen pulls \$\frac{87(2)(0)}{87(2)(0)}\$ towards the vestibule by his right arm. \$\frac{87(2)(0)}{97(2)(0)}\$ pulls away from him. \$\frac{87(2)(0)}{97(2)(0)}\$ tells Police Officer Ungcharoen, "Stop playing me, China." Police Officer Ungcharoen then jerks \$\frac{87(2)(0)}{97(2)(0)}\$ forward. \$\frac{87(2)(0)}{97(2)(0)}\$ falls to the floor. He shouts, "Ah, my leg, my leg!" Police Officer Ungcharoen pulls \$\frac{87(2)(0)}{97(2)(0)}\$ up by his arm. He then swings \$\frac{87(2)(0)}{97(2)(0)}\$ shouts, "My head, bro, my head!" At that moment, \$\frac{87(2)(0)}{97(2)(0)}\$ is out of frame. The recording does not show what contact Police Officer Ungcharoen makes with \$\frac{87(2)(0)}{97(2)(0)}\$ at that time. No further struggles are seen on the video. No injuries are seen on the video. No other officers use force against \$\frac{87(2)(0)}{97(2)(0)}\$ besides Police Officer Ungcharoen.
Police Officer Ungcharoen was shown his BWC footage during his CCRB interview. After viewing the section at 5:00 into the recording, where \$\frac{837(2)(b)}{2}\$ s body is on the ground, he was asked how came to be in that position. Police Offier Ungcharoen stated that \$\frac{837(2)(b)}{2}\$ may have tripped. He denied pushing \$\frac{837(2)(b)}{2}\$ down. The video was then played to 5:09 into the recording. When asked what happened during this section, Police Officer Ungcharoen stated that he was moving \$\frac{837(2)(b)}{2}\$ outside. He denied that he pushed or held \$\frac{837(2)(b)}{2}\$ against a wall.
NYPD Patrol Guide procedure 221-01 states that officers may use physical force when it is reasonable to place a person in custody or to prevent escape from custody. All applications of physical force must be reasonable under their circumstances. Factors to consider when determining if a specific use of force was reasonable include the actions taken by the subject, whether the subject is actively resisting custody, and the number of subjects in comparison to the number of officers present (Board Review #10).
§ 87(2)(g)

Civilian and Officer CCRB Histories





- Lieutenant Clacken has been a member of the service for fifteen years and has been named as a subject officer in one previous CCRB complaint and three allegations, none of which were substantiated. [87(2)(9)
- Police Officer Ungcharoen has been a member of the service for fourteen years and has been named as a subject officer in four previous CCRB complaints and five allegations, one of which was substantiated.
 - 201702803 involved a substantiated allegation of refusal to provide name and/or shield number against Police Officer Ungcharoen. The Board recommended that he receive instructions. The NYPD imposed instructions.

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0	§ 87(2)(g)	

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of June 28, 2021, the NYC Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint.
- The Office of Court Administration (OCA) does not list any court cases associated with \$87(2)(b) arrest during this incident (Board Review #12).

• § 87(2)(b)			
Squad: <u>15</u>			
Investigator:	Owen Godshall Signature	SI Owen Godshall Print Title & Name	01/31/2022 Date
Squad Leader:	Signature	IM Simon Wang Print Title & Name	02/02/22 Date
Reviewer:	Signature	Print Title & Name	 Date